

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/510,993
Filing Date: October 12, 2004
Applicant: Stubbe et al.
Group Art Unit: 1713
Examiner: Kelechi C. Egwim
Title: Aqueous Dispersion of Inorganic Nanoparticles, Method for the
Production and Use Thereof
Attorney Docket: PAT-101026 (0906S-000431/NP)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PETITION UNDER 37 C.F.R. § 1,181

Sir:

Applicants respectfully petition to have the restriction requirement set aside as improper.

The present application is a national stage of PCT/EP03/04645.

In the Office Action mailed January 17, 2007, the Examiner required restriction between the claims for the reason that "Claim 1, at least, is anticipated or obvious" and "[c]onsequently the special technical feature which links the claims, the aqueous dispersion, does not provide a contribution to the prior art." Applicants respectfully

assert that the reason given for restriction is improper and inadequate and petition for the restriction requirement to be withdrawn.

The PCT rules do not require that patentability of any one or all of the claims must be established in order for the claims to have unity of invention. Thus, the Examiner's contention that there is no unity because claim 1 is allegedly anticipated or obvious is not a proper basis for finding lack of unity of invention.

Accordingly, Applicants respectfully request that the restriction requirement be withdrawn.

Respectfully submitted,

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